

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DASSAULT SYSTEMES, S.A.,

Plaintiff,

v.

Case No. 09-10534

Hon. Lawrence P. Zatkoff

KEITH CHILDRESS

d/b/a PRACTICAL CATIA TRAINING,

Defendant.

ORDER REQUIRING DEFENDANT TO FILE AN ANSWER

Plaintiff filed this action on February 12, 2009, asserting that Defendant was infringing its copyright and trademark rights and violating the Michigan Consumer Protection Act, Mich. Comp. Laws § 445.901 regarding Defendant's use of Plaintiff's CATIA software. In lieu of answering the Complaint, Defendant filed several motions. In return, Plaintiff filed a motion for default judgment. The Court granted Plaintiff's motion for default judgment. Defendant then filed a motion requesting that the Court set aside the entry of default judgment. The Court denied Defendant's motion, entered a permanent injunction against Defendant's use of the CATIA software, and entered a judgment against Defendant in the amount of \$964,465, plus attorney fees and cost. Defendant appealed the Court's opinion and order and judgment to the Sixth Circuit Court of Appeals on August 2, 2010.

On December 13, 2011, the Sixth Circuit Court of Appeals reversed the Court's judgment in part and remanded the case with instructions, stating:

For the foregoing reasons, we AFFIRM the district court's judgment in part and REVERSE in part. We REVERSE the district court's orders granting Dassault's motion for default judgment and denying Childress's motion to set aside entry of default judgment, VACATE

the permanent injunction against Childress and the default-judgment entry awarding damages to Dassault, and REMAND for proceedings consistent with this opinion. Because we agree with the district court's conclusion that the materials Dassault seeks from the FBI are not comprised of protected grand jury information, we AFFIRM the district court's judgment that Dassault's subpoena does not violate Federal Rule of Criminal Procedure 6(e). For the reasons stated above, we also AFFIRM the district court's denial of Childress's motion to strike.

Dassault Systemes, SA, v. Childress, 663 F.3d 832, 847 (6th Cir. Dec. 13, 2011). On February 9, 2012, the Sixth Circuit Court of Appeals issued the mandate allowing this Court to resume its jurisdiction over this case.

In reviewing the record of this case, Defendant has not yet filed an answer to Plaintiff's Complaint. So that this case may proceed forward, IT IS HEREBY ORDERED that Defendant file an answer to Plaintiff's Complaint within 21 days of the entry of this order.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 15, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 15, 2012.

s/Marie E. Verlinde

Case Manager
(810) 984-3290